IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 13904 of 1993

HONOURABLE MR.JUSTICE KS JHAVERI

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JIVRAJBHAI VAGHABHAI VAGHELA - Petitioner(s)
Versus
GUJ STATE ROAD TRANSPORT CORPN & 1 - Respondent(s)

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Appearance :
MR M.H. RATHOD for Petitioner No(s).: 1.
NOTICE SERVED for Respondent No(s).: 1,2.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 16/08/2005

ORAL JUDGMENT

1. The petitioner herein has prayed to quash and set aside the reversion order dated 24th September 1993 of the petitioner from the post of Controller to Conductor and direct the respondent Corporation to consider the case of the petitioner for the promotion of the post of Traffic Controller and promote the petitioner to the post of Traffic Controller from the date on which junior to petitioner are continued.

2. The short facts of the case are that the petitioner was serving as Conductor in the respondent Corporation. The petitioner was dismissed from service which was challenged by the petitioner before the Labour Court in Reference No.37/83. The

Labour Court passed an award granting reinstatement to the petitioner with continuity of service without back wages. The said award has not been challenged by the Corporation. The petitioner had thereafter passed departmental examination for the post of Traffic Controller and he was promoted to the post of Traffic Controller. However, thereafter the petitioner was reverted back to his original post of Conductor. Therefore the petitioner has filed the present petition.

3. As a result of the hearing and perusal of the record, I am of the view that the prayer qua reversion cannot be considered by this Court at this stage. So long as prayer with regard to implementation of award of the Labour Court is concerned, since the said award has not been challenged, the respondent Corporation is bound to implement the same. Accordingly it is directed that if the award of the Labour Court is not implemented, the same shall be implemented by the respondent Corporation. It is made clear that the petitioner shall be entitled to all the benefits pursuant to the order of the Labour Court within a period of three months from the date of receipt of writ of this order. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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